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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,928	12/10/2003	Masakazu Fukuda	Q78869	6312
23373	7590	05/12/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LAUTURE, JOSEPH J	
			ART UNIT	PAPER NUMBER
			2819	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/730,928

Applicant(s)

FUKUDA, MASAKAZU

Examiner

Joseph Lauture

Art Unit

2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the current source" on lines 4-5. There is insufficient antecedent basis for this limitation in the claim. The examiner was not able to determine which of the first and second current sources the applicant is referring to.

Claims 2-7 are also rejected because they depend on independent claim 1 which has been rejected under 35 U.S.C. 112 second paragraph.

### ***Response To Arguments***

In a response posted 03/28/2006, applicant argued that Cabler (US 5,625,357) fails to teach two constant current sources. Figure (1) shows an FIR (50) which comprises two sources  $I_0$  and  $I_1$ .

Applicant argued that Cabler fails to teach current sources connected to respective common output lines. Figure 1 shows the current sources connected to common output lines (58) and (62) respectively.

Applicant argued that Cabler does not teach that the current sources are each coupled to a separate input to a differential amplifier.

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Figure (4), which is connected to figure (1), shows two current sources connected to separate input of a differential amplifier (25).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cabler (US 5,625,357) in view of Ledzius et al (US 5,323,157).

Regarding claim1, Cabler teaches in figure (1) a reconstruction filter apparatus, the apparatus comprising: a constant current source  $I_{REF}$  common to a plurality of resistive paths; a plurality of switches ( $B_0$ ,  $B_1$ ) arranged in cascade, each being operative to output data by controlling currents from the constant current source on the basis of each of the output data to thereby generate a plurality of weighted currents (See column 2, lines 34-39) that are weighted according to filter characteristics, the weighted currents being added separately for inverted and non-inverted (See switch connections to  $B_0$  and  $B_1$  in figure 2) and output at an output side of the FIR filter. Cabler also teaches that the use of two or more constant current sources to generate the plurality of weighted currents is a scheme well known in the art (Refer to current sources (52), (53) of figure (1)).

Cabler does not specifically teach a plurality of delay elements connected to MOS transistors as part of a delta-sigma modulator or of a digital signal processor.

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However, Ledzius et al teach in figure (3) a sigma-delta DAC including a plurality of flip-flops (81-83) used as delay elements, each flip-flop having two outputs, each output coupled to a respective one (See fig (4) and column 6, lines 16-40) of the MOS transistors. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ledzius et al into the system of Cabler to improve system performance and reliability because that would provide improved signal-to-noise ratio and less complexity (See column 2, lines 3-5).

Regarding claims 2 and 3, Cabler teaches in figure (2) a current-to-voltage conversion unit shown in figure (4), said unit having an input side coupled to the output side ( $I_{OUT}$ ) of the FIR filter and comprising a full differential operational amplifier (25) and a feedback resistors (30), said amplifier having a pair of inputs (See figure 4), each input coupled to a respective one of each separate output ( $I_{OUT}$ ) of said FIR filter; a single differential conversion operational amplifier (27) on the output side of the full differential operational amplifier (25), the amplifier (27) having a pair of inputs, each input coupled to a respective one of each separate output of the FIR filter, and having an output side (37);

Regarding claims 4, 5 and 6, Cabler teaches in figure (2) a reconstruction filter apparatus, the apparatus comprising: a constant current source  $I_{REF}$  common to a plurality of resistive paths; a plurality of switches ( $B_0$ ,  $B_1$ ) arranged in cascade, each being operative to output data by controlling currents from the constant current source on the basis of each of the output data to thereby generate a plurality of weighted

currents (See column 2, lines 34-39) that are weighted according to filter characteristics, the weighted currents being added and output at an output side of the FIR filter;

Cabler does not specifically teach a plurality of flip-flops connected to MOS transistors forming delay elements as part of a delta-sigma modulator or of a digital signal processor. However, Ledzius et al teach in figure (3) a sigma-delta DAC including a plurality of flip-flops (81-83) used as delay elements, each flip-flop having two outputs, each output coupled to a respective one (See fig (4) and column 6, lines 16-40) of the MOS transistors. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ledzius et al into the system of Cabler to improve system performance and reliability because that would provide improved signal-to-noise ratio and reduced complexity (See column 2, lines 3-5). It would have been further obvious to include such a filter apparatus in a digital signal processor, a delta-sigma modulator or any other data converter where a filter is needed.

Regarding claim 7, Cabler teaches a delta-sigma modulator wherein a constant current source comprises a common source for generating a plurality of weighted currents (See column 8, lines 20-23).

### CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Lauture, whose telephone number is (571) 272-1805. The examiner can normally be reached Monday to Friday between 9:30 am and 6:00 PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rexford Barnie can be reached at (571) 272-7492. The fax number for the organization to which this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

  
REXFORD BARNIE  
SUPERVISORY PATENT EXAMINER

Joseph Lauture  
Art Unit: 2819  
Date: 05/08/2006